

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	1:23-CR-070
)	
APRIL EVALYN SHORT)	
)	

**MOTION FOR MENTAL EXAMINATION
PURSUANT TO RULE 12.2(c)(1)(B)
BY GOVERNMENT’S EXPERT**

NOW COMES the United States of America, by and through Jill E. Steinberg, United States Attorney for the Southern District of Georgia, and, pursuant to Federal Rule of Criminal Procedure 12.2(c)(1)(B), moves this Court for an Order authorizing the examination of the defendant, April Evalyn short, pursuant to 18 U.S.C. § 4242, by a government retained expert. In support, the United States submits the following:

On June 7, 2024, the defense filed a Notice of Intent to Assert Insanity Defense and to Introduce Expert Evidence of Mental Disease [Doc. 28], wherein they provided notice to the United States that, pursuant to Federal Rule of Criminal Procedure 12.2, the defendant intends to “assert an insanity defense.” The defense further provided notice that they intend to call Macy Wilson, Psy.D., as an expert witness in support of that defense. [Doc. 28].

Federal Rule of Criminal Procedure 12.2(c)(1)(B) provides as follows:

If the defendant provides notice under Rule 12.2(a), the court must, upon the government’s motion, order the defendant to be examined under 18 U.S.C. § 4242. If the defendant provides

notice under Rule 12.2(b) the court may, upon the government's motion, order the defendant to be examined under procedures ordered by the court.

While the instant notice does not specify whether the defendant is proceeding under Rule 12.2(a) or 12.2(b), the plain language of the notice and its inclusion of an expert witness appears to fall under 12.2(b).

The United States has retained the services of a forensic psychologist, Dr. Michael Vitacco, to potentially offer testimony regarding the defense of insanity. As such, the government's forensic psychologist requires access to the defendant to conduct a mental health evaluation concerning the defendant's sanity (criminal responsibility) in preparation for possible testimony at trial. Such access will likely need to occur over multiple days in order to allow the government's expert to conduct an evaluation that comports with the standards of the psychological profession.

The Court and the government have previously received reports from Dr. Wilson, who has examined the defendant and, presumably, would be called by the defense at trial to testify that, because of her mental disease, the defendant could not appreciate the nature, quality, and wrongfulness of her actions and was insane at the time of the conduct alleged in the instant Indictment.

Pursuant to Rule 12.2(c)(1)(B) and Title 18, United States Code, Sections 4242 and 4247, the United States respectfully moves this Court for an order allowing the forensic psychiatrist retained by the United States to examine the defendant, April Evalyn Short, in preparation for trial. Given the defense's notice

and the expert reports indicating the testimony likely to be elicited from their expert, the United States requests that it be allowed to take reasonable steps to prepare a case in rebuttal.

Wherefore premises considered, the United States respectfully moves this Court to authorize the government's forensic psychologist to conduct a mental examination of the defendant as to her sanity at the time of the alleged offenses in preparation for potential testimony concerning her defense that she is not guilty by reason of insanity.

Respectfully submitted,

JILL E. STEINBERG
UNITED STATES ATTORNEY

/a/ Patricia G. Rhodes
Patricia G. Rhodes
Assistant United States Attorney

/s/ Henry W. Syms, Jr.
Henry W. Syms, Jr.
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this Court.

This 11th day of June, 2024.

Respectfully submitted,

Jill E. Steinberg
UNITED STATES ATTORNEY

/s/ Henry W. Syms, Jr.
Henry W. Syms, Jr.
Assistant United States Attorney